

12 KUANG-BAO P. OU-YOUNG,
13 Plaintiff,
14 v.
15 BRUCE IVES, et al.,
16 Defendant.

Case No. 15-MC-80197-LHK

**ORDER DENYING LEAVE TO FILE
COMPLAINT**

Re: Dkt. No. 1

18 Plaintiff has been declared a vexatious litigant and is subject to a pre-filing order which
19 requires him to “obtain leave of [the] court before filing any further suits alleging any violations of
20 the federal criminal statutes . . . 18 U.S.C. § 1512(b) [and] 18 U.S.C. § 1512(c).” *Ou-Young v.*
21 *Roberts*, 13-CV-04442-EMC (N.D. Cal.), ECF No. 40 at 16. In the instant filing, Plaintiff seeks to
22 file a complaint against Bruce Ives and F. Joseph Warin for allegedly violating “federal criminal
23 statutes . . . 18 U.S.C. §§ 1512(b) and 1512(c).” ECF No. 1 ¶ 1. Pursuant to the pre-filing order,
24 the Court must “determine whether Plaintiff has stated a potentially cognizable claim in a short,
25 intelligible and plain statement.” 13-CV-04442-EMC (N.D. Cal.), ECF No. 40 at 17.

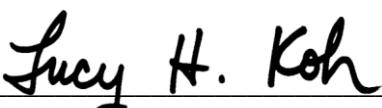
26 Plaintiff has failed to meet this requirement. In fact, Plaintiff seeks to file the same
27 complaint that Plaintiff sought to file in *Ou-Young v. Ives*, 15-MC-80235-EJD (N.D. Cal.). In that

1 action, U.S. District Judge Edward Davila concluded that “the criminal statutes Plaintiff cites in
2 the Complaint do not provide for a private cause of action.” 15-MC-80235-EJD (N.D. Cal.), ECF
3 No. 2 at 2. “This remains true no matter how many times [Plaintiff] submits this pleading.” *Id.*
4 Accordingly, Judge Davila found Plaintiff’s complaint “barred by the pre-filing order.” *Id.*

5 Consistent with Judge Davila’s ruling, the Court finds that Plaintiff has failed to state a
6 cognizable claim in the instant complaint. The Court therefore DENIES Plaintiff leave to file the
7 complaint. The Clerk shall close the file.

8 **IT IS SO ORDERED.**

9 Dated: April 15, 2016

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11 LUCY H. KOH
United States District Judge

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